



*Town of Lexington*

## **PLANNING BOARD**

1625 Massachusetts Avenue

Lexington, MA 02420

Tel (781) 698-4560

[planning@lexingtonma.gov](mailto:planning@lexingtonma.gov)

[www.lexingtonma.gov/planning](http://www.lexingtonma.gov/planning)

Charles Hornig, Chair  
Robert D. Peters, Vice Chair  
Michael Schanbacher, Clerk  
Robert Creech, Member  
Melanie Thompson, Member  
Michael Leon, Associate

### **RECOMMENDATION REPORT OF THE LEXINGTON PLANNING BOARD TO SPECIAL TOWN MEETING 2021-1**

<b>ARTICLE NUMBER AND TITLE</b>	<b>ARTICLE 12: AMEND ZONING BYLAW - STRUCTURES IN YARDS</b>
<b>DATES LEGAL NOTICE PUBLISHED IN THE NEWSPAPER</b>	Legal notices were published in the Lexington Minuteman Newspaper on September 2, 2021, and September 9, 2021
<b>DATE PUBLIC HEARING OPENED</b>	September 22, 2021
<b>DATES PUBLIC HEARING CLOSED</b>	September 22, 2021
<b>DATE PLANNING BOARD VOTED ON A RECOMMENDATION TO TOWN MEETING</b>	September 22, 2021
<b>RECOMMENDATION</b>	<b>Approval</b>
<b>PRESENTERS WHO APPEARED DURING THE PUBLIC HEARINGS</b>	Charles Hornig, Member
<b>PLANNING BOARD MEMBERS WHO VOTED ON THE ARTICLE</b>	Charles Hornig, Chair; Robert Peters, Vice-chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson

#### **RECOMMENDATION**

The Planning Board unanimously recommends that Town Meeting **APPROVE** the motion for Zoning Article - Structures in Yards.

#### **TOWN MEETING ACTION**

The Zoning Article – Structures in Yards requires a 2/3 vote of Town Meeting.

#### **BACKGROUND**

The Zoning Article on Structures in Yards is a collaborative effort between the Building Department and the Planning Board. This Zoning Article, initially brought forth at the Annual Town Meeting of 2021, has been reworked to address the increasing number of building permits and the increase in the size of homes constructed in Lexington. These larger homes are accompanied by the need for retaining walls to act as barriers and hold land. The construction of residential structures is much different today than it was 100 years ago.

Therefore, this Zoning Article addresses the impacts of such increased construction and size of structures.

#### **DESCRIPTION**

The motion under the Zoning Article – Structures in Yards proposes the following changes:

1. Add a definition of “fence”
2. Limit the height of fences and retaining walls along a street to 4’
3. Limit the height of retaining walls near side and rear lot boundaries to their distance from the lot line
4. Treat combinations of fences and retaining walls as a single structure
5. Permit structures enabling access for disabled persons anywhere on a lot (as required by state law)
6. Prohibit structures in yards that interfere with safe sight distance on a street
7. Clarify that structures other than buildings are permitted in minimum required yards, subject to height limitations

#### **PUBLIC HEARING PROCESS**

Due to COVID-19, the Planning Board held hearings for all of its Special Town Meeting 2021-1 Zoning Articles via Zoom. The Planning Board held one (1) public hearing (September 22, 2021). In attendance were Charles Hornig, Chair; Robert Peters, Vice-Chair; Michael Schanbacher, Clerk; Robert Creech; and Melanie Thompson as voting members. Michael Leon was also present for the public hearing process as the Associate Member.

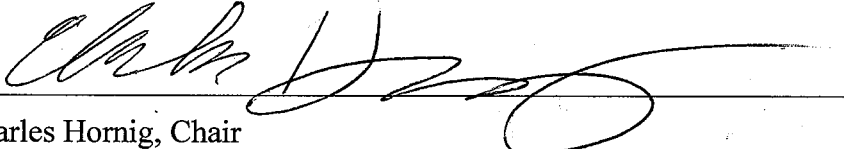
<b>Date of Public Hearing</b>	<b>Summary of Public Hearing</b>
<b>September 22, 2021</b>	<p>Charles Hornig, Chair, opened the public hearing and presented a PowerPoint presentation for the proposed Zoning Article – Structures in Walls.</p> <p>The Planning Board had no comments or questions on the proposed Zoning Article for Special Town Meeting 2021-1.</p> <p>Mr. Hornig opened the floor for public comments. Public comments were received and may be reviewed in the meeting minutes of September 22, 2021, or the public hearing can be viewed on LexMedia.</p>

**PLANNING BOARD VOTE**

***Robert Peters moved that the Planning Board recommend approval to the Fall Special Town Meeting for the zoning amendment for Structures in Yards in substantially the form as presented. Bob Creech seconded the motion. The Planning Board voted in favor of the motion 5-0-0 (Roll call: Robert Peters – yes; Melanie Thompson – yes; Michael Schanbacher – yes; Charles Hornig – yes; Robert Creech - yes). MOTION PASSED***

Charles Hornig. . . . . yes  
Robert Peters. . . . . yes  
Michael Schanbacher . . . . . yes  
Robert Creech. . . . . yes  
Melanie Thompson. . . . .yes

**SIGNATURE OF THE PLANNING BOARD**

  
\_\_\_\_\_  
Charles Hornig, Chair